

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:  
City of Detroit, Michigan,  
Debtor.

Bankruptcy Case No. 13-53846  
Honorable Thomas J. Tucker  
Chapter 9

**JAMES WILLIAMS' EX PARTE MOTION TO FILE (HIS RESPONSE TO THE CITY OF DETROIT'S  
MOTION TO ENFORCE IN) PAPER**

NOW COMES JAMES WILLIAMS, by and through his undersigned counsel, ROMANO LAW, P.L.L.C. and for his Ex Parte Motion to File (his Response to the City of Detroit's Motion to Enforce in) Paper, posits as follows:

1. On April 2, 2013, James Williams filed a complaint against the city of Detroit under Michigan's no-fault laws, alleging entitlement to personal protection benefits stemming from injuries inflicted whilst he was aboard its vehicle.
2. Thereafter, the city of Detroit filed for bankruptcy, and a stay was imposed on the case.
3. James Williams' attorneys – also the undersigned – had several cases for which they received claim forms or "proofs of claim" from the city of Detroit.
4. No proof of claim was ever received for James Williams, nor was there ever any communication from the city of Detroit that he needed to do anything to maintain a case that was already filed and flourishing in a state court before the stay was imposed.
5. There was much confusion surrounding the city's bankruptcy filing. This much was certain: James Williams' case was already ongoing at the Wayne County Circuit Court before the City

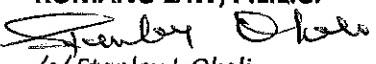
filed for bankruptcy. Hence, the undersigned was certain that if the case was to be disposed of other than through the court wherein it was filed, notification would be provided.

6. There was no communication from the City after the stay was imposed, up until circa November 10, 2014, when it sent the James William's attorneys a letter informing him that York Risk Services had been approved as the Third Party Administrator for the City of Detroit, and that it looked forward to "bringing [this matter] to a prompt conclusion." (**Exhibit A**, Communication from the City of Detroit re New Administrator).
7. Nothing else was forthcoming until James Williams filed a motion to reinstate the case, at which time the city of Detroit filed a motion to dismiss. (**Exhibit B**, City of Detroit's Motion to Dismiss).
8. Although James Williams' attorneys – including the undersigned – are admitted to practice in virtually every pertinent federal court including the U.S. District Courts for both the Eastern District and the Western District, the Sixth Circuit Court of Appeals, and the U.S. Supreme Court, they are not admitted to practice in any bankruptcy court.
9. James Williams' attorneys' efforts to use this Honorable Court's efiling system have all met with failure. Having made several calls, and having sent several emails inquiring about the issue, they have been advised that their credentials for the regular district courts will not work, and that they must register with the bankruptcy court's efiling system. (**Exhibit C**, Emails from the Bankruptcy Court).
10. In the meantime, James Williams has been unable to file a response to the City's Motion to Enforce.

11. Registering for the bankruptcy court's efiling system is no easy matter, as it requires online training, in addition to 4 hours of training at its location downtown Detroit.

12. James Williams' attorneys are in the process of completing the registration requirements, and in the meantime request that this Honorable Court grant their motion to file by paper.

**WHEREFORE**, James Williams respectfully prays that his Ex Parte to File his Response to the city of Detroit's Motion to Enforce by Paper.

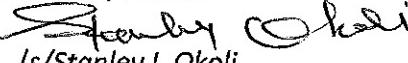
ROMANO LAW, P.L.L.C.  
  
By: /s/ Stanley I. Okoli  
DANIEL G. ROMANO (P49117)  
STANLEY I. OKOLI (P73722)  
Attorney for Plaintiff  
23880 Woodward Avenue  
Pleasant Ridge, Michigan 48069  
(248) 750-0270 (Tel.)/(248) 936-2105 (Fax)  
[sokoli@romanolawpllc.com](mailto:sokoli@romanolawpllc.com)  
[dromano@romanolawpllc.com](mailto:dromano@romanolawpllc.com)

Dated: February 23, 2016

#### CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2016 I emailed the foregoing paper to Gregory Paddison, the City's attorney at the Wayne County Circuit Court, as well as to Charles N. Raimi of the city of Detroit Law Department and Marc N. Swanson of Miller, Canfield, Paddock and Stone, P.L.C..

ROMANO LAW, P.L.L.C.

BY:   
/s/Stanley I. Okoli

DANIEL G. ROMANO (P49117)

STANLEY I. OKOLI (P73722)

Attorneys for Plaintiff

23880 Woodward Ave

Pleasant Ridge, MI 48069

(248)750-0270 Fax: (248) 936-2105

sokoli@romanolawpllc.com

Dated: February 23, 2016

# EXHIBIT A



31555 West Fourteen Mile  
Farmington Hills, Mi. 48334

November 10, 2014

Romano Law  
23880 Woodward Ave.  
Pleasant Ridge, Michigan, 48067

RE: Claimant: James Williams  
City of Detroit file #A32950-002698-06  
NEW YORK file # CDMI-0076A3  
Date of Loss: 06/18/2012

Dear Atty. Chapman:

Please be advised as of October 01, 2014, York Risk Services will be serving as the approved Third Party Administrator for the City of Detroit.

As a result of this change, YORK Risk Services will be handling this matter.

Any future correspondence will need to reference the new YORK Risk Services file number as listed above.

We look forward to working with you regarding this matter, and bringing same to a prompt conclusion.

Thank you,

Monique Tyler  
Senior Casualty Claims Adjuster  
(248) 671-1745  
[Monique.Tyler@yorkrsg.com](mailto:Monique.Tyler@yorkrsg.com)

A member of York Risk Services Group, Inc.

# EXHIBIT B

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:  City of Detroit, Michigan,  Debtor.	Bankruptcy Case No. 13-53846  Honorable Thomas J. Tucker  Chapter 9
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**CITY OF DETROIT'S MOTION TO ENFORCE ORDER,  
PURSUANT TO SECTIONS 105, 501, AND 503 OF THE BANKRUPTCY  
CODE AND BANKRUPTCY RULES 2002 AND 3003(c), ESTABLISHING  
BAR DATES FOR FILING PROOFS OF CLAIM AND APPROVING  
FORM AND MANNER OF NOTICE THEREOF AGAINST JAMES  
WILLIAMS**

The City of Detroit, Michigan ("City") by its undersigned counsel, Miller, Canfield, Paddock and Stone, PLC, files this Motion to Enforce Order, Pursuant to Sections 105, 501, and 503 of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c), Establishing Bar Dates for Filing of Proofs of Claim and Approving Form and Manner of Notice Thereof Against James Williams ("Motion"). In support of this Motion, the City respectfully states as follows:

**I. Introduction**

1. Despite having not filed a proof of claim in the City's bankruptcy case, Plaintiff James Williams, (the "Plaintiff") continues to prosecute his state court lawsuit seeking monetary damages on account of a pre-petition claim against the City. In accordance with the Bar Date Order, the City seeks an order barring and permanently enjoining the Plaintiff from asserting his claim against the City or

property of the City, and requiring that the Plaintiff dismiss the City with prejudice from the state court lawsuit.

## **II. Factual Background**

### **A. The Bar Date Order**

2. On July 18, 2013 ("Petition Date"), the City filed this chapter 9 case.
3. On November 21, 2013, this Court entered its Order, Pursuant to Sections 105, 501, and 503 of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c), Establishing Bar Dates for Filing Proofs of Claim and Approving Form and Manner of Notice Thereof (Doc. No. 1782) ("Bar Date Order").
4. The Bar Date Order established February 21, 2014 ("General Bar Date") as the deadline for filing claims against the City. Paragraph 6 of the Bar Date Order states that the

following entities must file a proof of claim on or before the Bar Date...any entity: (i) whose prepetition claim against the City is not listed in the List of Claims or is listed as disputed, contingent or unliquidated; and (ii) that desires to share in any distribution in this bankruptcy case and/or otherwise participate in the proceedings in this bankruptcy case associated with the confirmation of any chapter 9 plan of adjustment proposed by the City...

Bar Date Order ¶ 6.

5. Paragraph 22 of the Bar Date Order also provided that:

Pursuant to sections 105(a) of the Bankruptcy Code and Bankruptcy Rule 3003(c)(2), any entity that is required to file a proof of claim in this case pursuant to the Bankruptcy Code, the Bankruptcy Rules or this Order with respect to a particular claim against the

**City, but that fails properly to do so by the applicable Bar Date, shall be forever barred, estopped and enjoined from: (a) asserting any claim against the City or property of the City that (i) is in an amount that exceeds the amount, if any, that is identified in the List of Claims on behalf of such entity as undisputed, noncontingent and liquidated or (ii) is of a different nature or a different classification or priority than any Scheduled Claim identified in the List of Claims on behalf of such entity (any such claim under subparagraph (a) of this paragraph being referred to herein as an “Unscheduled Claim”); (b) voting upon, or receiving distributions under any Chapter 9 Plan in this case in respect of an Unscheduled Claim; or (c) with respect to any 503(b)(9) Claim or administrative priority claim component of any Rejection Damages Claim, asserting any such priority claim against the City or property of the City.**

Bar Date Order ¶ 22 (emphasis added).

6. The Bar Date Order also approved the form and manner of notice of the Bar Dates. *See e.g.* Bar Date Order ¶¶ 3, 23-26. In accordance with the Bar Date Order, notice of the General Bar Date was published in several newspapers. (Doc. Nos. 3007, 3008, 3009).

7. The Bar Date Order also provided that this Court retained “jurisdiction with respect to all matters arising from or related to the interpretation, implementation and/or enforcement of this Order.” Bar Date Order ¶ 29.

8. The Plaintiff, through his counsel, was served with notice of the Bar Date Order. [Doc. No. 2337].

## **B. Williams's State Court Action**

9. On April 2, 2013, Plaintiff filed a complaint ("Williams Complaint") against the City of Detroit and John Doe, A Currently Unidentified Individual, in the Circuit Court for the County of Wayne, case number 13-004381. The Williams Complaint is attached as Exhibit 6A.

10. Plaintiff alleges that on June 18, 2012, he sustained personal injuries when the City of Detroit bus he was riding on collided with another vehicle. Williams Complaint ¶ 5. Plaintiff did not file a proof of claim in the City's bankruptcy case.

## **III. Argument**

11. Pursuant to the Bar Date Order, Plaintiff is "forever barred, estopped and enjoined from...asserting any claim against the City or property of the City." Bar Date Order ¶ 22. Through his state court lawsuit, however, the Plaintiff is asserting a claim against the City. As the Plaintiff's actions violate the Bar Date Order, his claims against the City must be dismissed with prejudice.

## **IV. Conclusion**

12. The City thus respectfully requests that this Court enter an order, in substantially the same form as the one attached as Exhibit 1, (a) directing the Plaintiff to dismiss, or cause to be dismissed, the City with prejudice from the state court lawsuit; (b) permanently barring, estopping and enjoining the Plaintiff from

asserting the claims alleged in or claims related to the state court lawsuit against the City or property of the City; and (c) prohibiting the Plaintiff from sharing in any distribution in this bankruptcy case. The City sought, but did not obtain, concurrence to the relief requested in the Motion.

Dated: February 11, 2016

MILLER, CANFIELD, PADDOCK AND  
STONE, P.L.C.

By: /s/ Marc N. Swanson  
Jonathan S. Green (P33140)  
Marc N. Swanson (P71149)  
150 West Jefferson, Suite 2500  
Detroit, Michigan 48226  
Telephone: (313) 496-7591  
Facsimile: (313) 496-8451  
swansonm@millercanfield.com

- and -

CITY OF DETROIT LAW DEPARTMENT

Charles N. Raimi (P29746)  
James Noseda (P52563)  
2 Woodward Avenue, Suite 500  
Detroit, Michigan 48226  
Phone - (313) 237-5037/(313)  
Email - raimic@detroitmi.gov

Attorneys for the City of Detroit

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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:  City of Detroit, Michigan,  Debtor.	Bankruptcy Case No. 13-53846  Honorable Thomas J. Tucker  Chapter 9
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**EXHIBIT LIST**

- |            |                                 |
|------------|---------------------------------|
| Exhibit 1  | Proposed Order                  |
| Exhibit 2  | Notice of Opportunity to Object |
| Exhibit 3  | None                            |
| Exhibit 4  | Certificate of Service          |
| Exhibit 5  | None                            |
| Exhibit 6A | Williams Complaint              |

**EXHIBIT 1 – PROPOSED ORDER**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:  City of Detroit, Michigan,  Debtor.	Bankruptcy Case No. 13-53846  Honorable Thomas J. Tucker  Chapter 9
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**ORDER GRANTING CITY OF DETROIT'S MOTION TO  
ENFORCE ORDER, PURSUANT TO SECTIONS 105, 501, AND 503 OF  
THE BANKRUPTCY CODE AND BANKRUPTCY RULES 2002 AND  
3003(c), ESTABLISHING BAR DATES FOR FILING PROOFS OF CLAIM  
AND APPROVING FORM AND MANNER OF NOTICE THEREOF  
AGAINST JAMES WILLIAMS**

This matter, having come before the Court on the Motion to Enforce Order, Pursuant to Sections 105, 501, and 503 of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c), Establishing Bar Dates for Filing of Proofs of Claim and Approving Form and Manner of Notice Thereof Against James Williams (“Motion”)<sup>1</sup>”, upon proper notice and a hearing, the Court being fully advised in the premises, and there being good cause to grant the relief requested,

**THE COURT ORDERS THAT:**

1. The Motion is granted.

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<sup>1</sup> Capitalized terms used but not otherwise defined in this Order shall have the meanings given to them in the Motion.

2. Within five days of the entry of this Order James Williams shall dismiss, or cause to be dismissed, the City of Detroit with prejudice from the case captioned as *James Williams, Plaintiff, vs. City of Detroit and John Doe, a Currently Unidentified Individual, Defendant*, filed in the Wayne County Circuit Court and assigned Case No. 13-004381.

3. James Williams is permanently barred, estopped and enjoined from asserting the claim arising from or related to his state court action identified in paragraph 2 above against the City of Detroit or property of the City of Detroit.

4. James Williams is prohibited from sharing in any distribution in this bankruptcy case.

5. The Court shall retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

*Dates For Filing Proofs Of Claim and Approving Form and Manner Of Notice*

*Thereof Against James Williams*, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:<sup>2</sup>

United States Bankruptcy Court  
211 W. Fort St., Suite 1900  
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will receive it on or before the date stated above. You must also mail a copy to:

Miller, Canfield, Paddock & Stone, PLC  
Attn: Marc N. Swanson  
150 West Jefferson, Suite 2500  
Detroit, Michigan 48226

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time, and location of that hearing.

**If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.**

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<sup>2</sup> Response or answer must comply with F. R. Civ. P. 8(b), (c) and (e).

**EXHIBIT 4 – CERTIFICATE OF SERVICE**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:  City of Detroit, Michigan,  Debtor.	Bankruptcy Case No. 13-53846  Honorable Thomas J. Tucker  Chapter 9
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on February 11, 2016, he served a copy of the foregoing ***CITY OF DETROIT'S MOTION TO ENFORCE ORDER, PURSUANT TO SECTIONS 105, 501, AND 503 OF THE BANKRUPTCY CODE AND BANKRUPTCY RULES 2002 AND 3003(c), ESTABLISHING BAR DATES FOR FILING PROOFS OF CLAIM AND APPROVING FORM AND MANNER OF NOTICE THEREOF AGAINST JAMES WILLIAMS*** upon counsel as listed below:

Daniel G. Romano  
Romano Law, PLLC  
26555 Evergreen Road  
Southfield, MI 48076  
[dromano@romanolawpllc.com](mailto:dromano@romanolawpllc.com)

DATED: February 11, 2016

By: /s/ Marc N. Swanson  
Marc N. Swanson (P71149)  
150 West Jefferson, Suite 2500  
Detroit, Michigan 48226  
Telephone: (313) 496-7591  
Facsimile: (313) 496-8451  
swansonm@millercanfield.com

# EXHIBIT C

**Stanley Okoli**

---

**From:** Debby\_Ronayne@mieb.uscourts.gov  
**Sent:** Friday, February 19, 2016 11:26 AM  
**To:** Stanley Okoli  
**Subject:** Application for Login and Password

Good Morning ---

I have left a message with your and wanted to email as a follow up. You filled out an application for login and password as "Requested Account Info". This would be used if you had already filled out a previous application and you are inquiring about it. IF you want an application as an attorney you must meet the below criteria:

1. Trained in a Bankruptcy Court
2. Admitted to the Federal Bar Eastern District of Michigan

Thanks and have a great day,

Debby Ronayne  
U.S. Bankruptcy Court  
Eastern District of Michigan  
(313) 234-0028

## **Stanley Okoli**

---

**From:** Brenda\_Stewart@miwb.uscourts.gov on behalf of ECFTrainingMIWB@uscmail.uscourts.gov  
**Sent:** Monday, February 22, 2016 10:36 AM  
**To:** Stanley Okoli  
**Subject:** Re: On-Line Training Packet Request & Registration (Stanley I. Okoli)  
  
**Importance:** High

Hello Stanley,

Thank you for your interest in on-line training and registration for our ECF system. If you are currently e-filing in another **Bankruptcy District**, then our training requirement can be waived. Please register via the website and indicate in the field titled "Case Number from Homework or District Registered" with the initials of the Bankruptcy district(s) in which you are currently registered to e-file (example: KY for Kentucky, MI-E for Michigan Eastern, FL for Florida, etc.) and a login & password will be emailed to the email address provided on the registration. The link to the Court's website is: <http://www.miwb.uscourts.gov/register-e-file>.

If you're not currently registered in another district, please see information below.

### **On-Line Training Information:**

Listed below is a link to the court's ECF training packet to help you become familiar with electronic filing for the U.S. Bankruptcy Court of the Western District of Michigan. Once the file is opened, please note that there are bookmarks that indicate what is contained in the file. Detailed information regarding training exercises may be found on the "Training Exercises" bookmark (**last page of web link below**). The other bookmarks include step-by-step user guides that will assist you in completing the training exercises. Also included is a copy of the court's Administrative Procedures Re: Electronic Filing. Please be sure to review these procedures before electronically filing documents and pleadings with the court.

A copy of the training packet can be viewed via the following web link: <http://www.miwb.uscourts.gov/sites/miwb/files/DebtorPacket.pdf>. To access the ECF training database, please enter the following web address: <https://ecf-train.miwb.uscourts.gov>. The login & password to be used for completion of the training exercises is as follows:

**Login:** OkoliS01  
**Password:** OkoliS01

If you have any questions, please feel free to contact our HelpDesk:

**Email:** [ecfhelpdeskmiwb@miwb.uscourts.gov](mailto:ecfhelpdeskmiwb@miwb.uscourts.gov)  
**Phone:** (616) 456-2693  
**LIVE on-line support:** [www.miwb.uscourts.gov](http://www.miwb.uscourts.gov)

Thank you,

CM/ECF Training Team  
U.S. Bankruptcy Court - Western District of Michigan  
LIVE on-line support: [www.miwb.uscourts.gov](http://www.miwb.uscourts.gov)  
PHONE: (616) 456-2693

From: Stanley Okoli <sokoli@romanolawpllc.com>  
To: "ecftrainingmlwb@miwb.uscourts.gov" <ecftrainingmlwb@miwb.uscourts.gov>,  
Date: 02/21/2016 01:42 PM  
Subject: OnLine Training Packet Request

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Hi,

I desperately need to obtain a username/password in order to respond to a pleading in the bankruptcy court. Please send me the online training package.

I would be primarily be representing debtors. I am admitted to practice in both the Eastern District and the Western District (not bankruptcy). Other information:

Name: Stanley I. Okoli (P73722)

Email address: [sokoli@romanolawpllc.com](mailto:sokoli@romanolawpllc.com)

Address: 23880 Woodward Ave, Pleasant Ridge, MI 48069

Thank you.

Stanley I. Okoli

**Romano Law, P.L.L.C.**

23880 Woodward Avenue

Pleasant Ridge, MI 48069

Phone: 248-750-0270

Fax: 248-936-2105

[sokoli@romanolawpllc.com](mailto:sokoli@romanolawpllc.com)

<http://www.danielromanolaw.com/>

RATED BY

Super Lawyers

**Confidentiality Note:** This electronic message contains information from the law firm of Romano Law, P.L.L.C. which may be confidential, legally privileged or otherwise protected from disclosure. This information is intended for the use of the addressee only. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, printing or any other use of, or any action in reliance on, the contents of this electronic message is strictly prohibited. If you have received this communication in error, please notify us by telephone at (248) 750-0270 and destroy the original message.